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EXAMINER

GATES, ERIC ANDREW

ART UNIT	PAPER NUMBER
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3726

NOTIFICATION DATE	DELIVERY MODE
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08/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/820,649	Applicant(s) SCHUDER ET AL.	
	Examiner ERIC A. GATES	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13, 21-30 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 9-13, 21-24, 27-30 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Appeal Brief filed on 12 May 2009, PROSECUTION IS HEREBY REOPENED for the purpose of adding a new ground of rejection under 35 U.S.C. 103(a) to Leclerc in view of Rossini as set forth below, in addition to a slightly modified version of the previous rejection.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-12, 21-24, 27-29, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leclerc (U.S. Patent 5,261,769) in view of Ensign, Jr., et al. (U.S. Patent 6,422,281).

3. Regarding claim 9, Leclerc discloses a bookbinding system 10, comprising: a sheet binder 12/34 configured to bind with an adhesive 44 two or more sheets 14 into an adhesively bound text body having an exposed spine 32 bounded by two exposed side hinge areas 66/70; an adhesive dispenser 50/82 configured to apply an adhesive 62/84 between a cover 20 and the side hinge areas of the text body; and a cover binder 16 configured to bind the cover to the side hinge areas of the text body by applying pressure to the cover (the cover binder 16 inherently applies pressure to the cover to attach it to the book block).

Leclerc does not disclose that the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film. Ensign, Jr., et al. teaches the use of an adhesive dispenser 10 that applies a pressure sensitive adhesive made of one or more layers coated (i.e., a film) on a transfer substrate 170 wound around a core 168 in a plug-in cartridge 26 for the purpose of applying the adhesive layer to a selected substrate 186. Ensign, Jr., et al. also teaches that the system may be redesigned for industrial heavy

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use applications (see column 15, lines 59-61). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc with the pressure sensitive adhesive application system of Ensign, Jr., et al. in order to be able to replace the hot melt glue guns 50/82 with a pressure sensitive adhesive system that applies a well known alternative adhesive material. Furthermore, it would have been an obvious matter of design choice to load the adhesive dispenser with a transfer substrate having two laterally spaced apart adhesive films for the purpose of being able to use the bookbinding system to apply adhesive on both sides of the book block spine in order to replace the adhesives 62/84 of Leclerc.

4. Regarding claim 10, the modified invention of Leclerc discloses wherein the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film to the cover in a series of spaced-apart strips (as modified by Ensign, Jr., et al.).

5. Regarding claim 11, the modified invention of Leclerc discloses wherein the adhesive dispenser comprises a plug-in cartridge housing 26 (as modified by Ensign, Jr., et al.).

6. Regarding claim 12, the modified invention of Leclerc discloses wherein the adhesive dispenser comprises a supply spool 168 disposed within the plug-in cartridge housing 26 and configured to support a roll of pressure sensitive adhesive tape formed from a solid pressure sensitive adhesive film disposed on a carrier ribbon 170 (as modified by Ensign, Jr., et al.).

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7. Regarding claim 21, the modified invention of Leclerc discloses wherein the adhesive dispenser applies the solid pressure sensitive adhesive film to the cover before the cover binder contacts the applied solid pressure sensitive adhesive to the side hinge areas of the text body (the cover binder contacts the adhesive to the side hinge areas of the text body through intermediary contact with the crash 24, as seen in figures 1 and 2 of Leclerc and modified by Ensign, Jr., et al.).

8. Regarding claim 22, the modified invention of Leclerc discloses wherein the cover binder binds the cover to the spine of the text body by positioning a portion of the cover over the spine of the text body and applying pressure to the portion of the cover positioned over the spine of the text body (it is inherent, or in the alternative, obvious that the cover binder of Leclerc would apply pressure to the areas of the cover where the adhesive is attached to the cover for the purpose of adhering the adhesive to the book block).

9. Regarding claim 23, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose wherein the adhesive dispenser applies the solid pressure sensitive adhesive film as a single continuous strip with a width dimension that is wider than the exposed spine of the text body. However, by using the unmodified single strip adhesive film of Ensign, Jr., et al., it would have been an obvious matter of design choice to have selected an adhesive film that is a single continuous strip wider than the exposed spine of the text body for the purpose of having a cover that is attached to the entire crash 24 of the

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book block along the spine and side hinge areas, thereby making a stronger attachment between the cover and the crash.

10. Regarding claim 24, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose wherein the adhesive dispenser applies the solid pressure sensitive adhesive film in a series of multiple strips over an area corresponding to the side hinge areas and the exposed spine of the text body. However, it would have been an obvious matter of design choice to have selected an adhesive film that is made of 3 parallel strips for the purpose of having a cover that is attached to the crash 24 of the book block along with the side hinge areas, thereby making a stronger attachment between the cover, crash, and book block.

11. Regarding claim 27, the modified invention of Leclerc discloses wherein the cover binder contacts the side hinge areas to the applied solid pressure sensitive adhesive film (through contact with the crash 24).

12. Regarding claim 28, the modified invention of Leclerc discloses wherein the adhesive dispenser dispenses the solid pressure sensitive adhesive from a roll of solid sheet adhesive (as modified by Ensign, Jr., et al.).

13. Regarding claim 29, the modified invention of Leclerc discloses wherein the adhesive dispenser dispenses from the roll a solid sheet adhesive that comprises a pressure sensitive adhesive composition dispersed on a carrier ribbon 170 (as modified by Ensign, Jr., et al.).

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14. Regarding claim 36, the modified invention of Leclerc discloses further comprising a roll of the solid sheet adhesive loaded in the adhesive dispenser (as modified by Ensign, Jr., et al.).

15. Regarding claim 37, the modified invention of Leclerc discloses wherein the cover binder positions the cover over the exposed side hinge areas and the exposed spine of the text body and applies pressure to the positioned cover to activate the pressure sensitive adhesive film (it is inherent that the cover binder of Leclerc would apply pressure to the cover for the purpose of adhering the adhesive to the book block).

16. Regarding claim 38, the modified invention of Leclerc discloses wherein the cover binder applies pressure to the positioned cover to activate the pressure sensitive adhesive film without applying heat (as modified by Ensign, Jr., et al.).

17. Regarding claim 39, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose wherein the adhesive dispenser applies the spaced-apart strips of the solid pressure sensitive adhesive film respectively over areas of the cover corresponding to the spine and the side hinge areas of the text body. However, it would have been an obvious matter of design choice to have selected an adhesive film that is made of 3 parallel strips for the purpose of having a cover that is attached to the crash 24 of the book block along with the side hinge areas, thereby making a stronger attachment between the cover, crash, and book block.

18. Claims 9-12, 21-24, 27-30, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leclerc (U.S. Patent 5,261,769) in view of Rossini (U.S. Patent 5,261,996).

19. Regarding claim 9, Leclerc discloses a bookbinding system 10, comprising: a sheet binder 12/34 configured to bind with an adhesive 44 two or more sheets 14 into an adhesively bound text body having an exposed spine 32 bounded by two exposed side hinge areas 66/70; an adhesive dispenser 50/82 configured to apply an adhesive 62/84 between a cover 20 and the side hinge areas of the text body; and a cover binder 16 configured to bind the cover to the side hinge areas of the text body by applying pressure to the cover (the cover binder 16 inherently applies pressure to the cover to attach it to the book block).

Leclerc does not disclose that the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film. Rossini teaches the use of an adhesive dispenser 10 that applies a pressure sensitive adhesive 34 made of one or more layers coated on a transfer substrate 48 wound around a core in a plug-in cartridge housing 42 (spool 42 is a plug-in cartridge housing in as much as the outer portion seen in figure 1 forms a cartridge housing containing a supply spool (inner portion on which roll of adhesive sits) that is plugged into the adhesive dispenser 10) for the purpose of applying discrete lengths of adhesive 12 to a selected substrate 14. Rossini also teaches that the system uses a take-up reel 46 for the transfer substrate 48. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc with the pressure

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sensitive adhesive application system of Rossini in order to be able to replace the hot melt glue guns 50/82 with a pressure sensitive adhesive system that applies a well known alternative adhesive material. Furthermore, it would have been an obvious matter of design choice to load the adhesive dispenser with a transfer substrate having two laterally spaced apart adhesive films for the purpose of being able to use the bookbinding system to apply adhesive on both sides of the book block spine in order to replace the adhesives 62/84 of Leclerc.

20. Regarding claim 10, the modified invention of Leclerc discloses wherein the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film to the cover in a series of spaced-apart strips (as modified by Rossini, see column 7, lines 43-65).

21. Regarding claim 11, the modified invention of Leclerc discloses wherein the adhesive dispenser comprises a plug-in cartridge housing 42 (as modified by Rossini).

22. Regarding claim 12, the modified invention of Leclerc discloses wherein the adhesive dispenser comprises a supply spool (inner portion on which roll of adhesive sits) disposed within the plug-in cartridge housing (outer portion of 42 seen in figure 1) and configured to support a roll of pressure sensitive adhesive tape formed from a solid pressure sensitive adhesive film 34 disposed on a carrier ribbon 48 (as modified by Rossini).

23. Regarding claim 21, the modified invention of Leclerc discloses wherein the adhesive dispenser applies the solid pressure sensitive adhesive film to the cover before the cover binder contacts the applied solid pressure sensitive adhesive to the

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side hinge areas of the text body (the cover binder contacts the adhesive to the side hinge areas of the text body through intermediary contact with the crash 24, as seen in figures 1 and 2 of Leclerc and modified by Rossini).

24. Regarding claim 22, the modified invention of Leclerc discloses wherein the cover binder binds the cover to the spine of the text body by positioning a portion of the cover over the spine of the text body and applying pressure to the portion of the cover positioned over the spine of the text body (it is inherent, or in the alternative, obvious that the cover binder of Leclerc would apply pressure to the areas of the cover where the adhesive is attached to the cover for the purpose of adhering the adhesive to the book block).

25. Regarding claim 23, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose wherein the adhesive dispenser applies the solid pressure sensitive adhesive film as a single continuous strip with a width dimension that is wider than the exposed spine of the text body. However, by using the unmodified single strip adhesive film of Rossini, it would have been an obvious matter of design choice to have selected an adhesive film that is a single continuous strip wider than the exposed spine of the text body for the purpose of having a cover that is attached to the entire crash 24 of the book block along the spine and side hinge areas, thereby making a stronger attachment between the cover and the crash.

26. Regarding claim 24, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose

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wherein the adhesive dispenser applies the solid pressure sensitive adhesive film in a series of multiple strips over an area corresponding to the side hinge areas and the exposed spine of the text body. However, it would have been an obvious matter of design choice to have selected an adhesive film that is made of 3 parallel strips for the purpose of having a cover that is attached to the crash 24 of the book block along with the side hinge areas, thereby making a stronger attachment between the cover, crash, and book block.

27. Regarding claim 27, the modified invention of Leclerc discloses wherein the cover binder contacts the side hinge areas to the applied solid pressure sensitive adhesive film (through contact with the crash 24).

28. Regarding claim 28, the modified invention of Leclerc discloses wherein the adhesive dispenser dispenses the solid pressure sensitive adhesive from a roll of solid sheet adhesive (as modified by Rossini).

29. Regarding claim 29, the modified invention of Leclerc discloses wherein the adhesive dispenser dispenses from the roll a solid sheet adhesive that comprises a pressure sensitive adhesive composition dispersed on a carrier ribbon 48 (as modified by Rossini).

30. Regarding claim 30, Leclerc discloses a bookbinding system 10, comprising: a sheet binder 12/34 configured to bind two or more sheets 14 into a text body having an exposed spine 32 bounded by two exposed side hinge areas 66/70; an adhesive dispenser 50/82 configured to apply an adhesive 62/84 between a cover 20 and the side hinge areas of the text body; and a cover binder 16 configured to bind the cover to

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the side hinge areas of the text body by applying pressure to the cover (the cover binder 16 inherently applies pressure to the cover to attach it to the book block).

Leclerc does not disclose that the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film, or wherein the adhesive dispenser dispenses the solid pressure sensitive adhesive from a roll of solid sheet adhesive that comprises a pressure sensitive adhesive composition dispersed on a carrier ribbon, and the adhesive dispenser applies the solid pressure sensitive adhesive film by releasing a film of the pressure sensitive adhesive composition from the carrier ribbon and reeling-in spent carrier ribbon. Rossini teaches the use of an adhesive dispenser 10 that applies a pressure sensitive adhesive film 34 from a roll of solid sheet adhesive dispersed on a carrier ribbon 48, and the adhesive dispenser applies the solid pressure sensitive adhesive film by releasing a film of the pressure sensitive adhesive composition from the carrier ribbon and uses a take-up reel 46 for the carrier ribbon 48, all for the purpose of applying discrete lengths of adhesive 12 to a selected substrate 14. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc with the pressure sensitive adhesive application system of Rossini in order to be able to replace the hot melt glue guns 50/82 with a pressure sensitive adhesive system that applies a well known alternative adhesive material.

31. Regarding claim 36, the modified invention of Leclerc discloses further comprising a roll of the solid sheet adhesive loaded in the adhesive dispenser (as modified by Rossini).

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32. Regarding claim 37, the modified invention of Leclerc discloses wherein the cover binder positions the cover over the exposed side hinge areas and the exposed spine of the text body and applies pressure to the positioned cover to activate the pressure sensitive adhesive film (it is inherent that the cover binder of Leclerc would apply pressure to the cover for the purpose of adhering the adhesive to the book block).

33. Regarding claim 38, the modified invention of Leclerc discloses wherein the cover binder applies pressure to the positioned cover to activate the pressure sensitive adhesive film without applying heat (as modified by Rossini).

34. Regarding claim 39, the modified invention of Leclerc discloses the invention substantially as claimed, except the modified invention of Leclerc does not disclose wherein the adhesive dispenser applies the spaced-apart strips of the solid pressure sensitive adhesive film respectively over areas of the cover corresponding to the spine and the side hinge areas of the text body. However, it would have been an obvious matter of design choice to have selected an adhesive film that is made of 3 parallel strips for the purpose of having a cover that is attached to the crash 24 of the book block along with the side hinge areas, thereby making a stronger attachment between the cover, crash, and book block.

35. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leclerc (U.S. Patent 5,261,769) in view of Ensign, Jr., et al. (U.S. Patent 6,422,281) and further in view of Rossini (U.S. Patent 5,261,996).

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36. Regarding claim 13, the modified invention of Leclerc discloses wherein the adhesive dispenser comprises a take-up spool disposed within the plug-in cartridge housing and configured to reel-in spent carrier ribbon. Rossini teaches the use of an applicator system that applies an adhesive material 34 in the form of a tape that is adhered to a carrier ribbon 48, further comprising a take-up reel 46 for the purpose of reeling in the spent carrier ribbon. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc and Ensign, Jr., et al. with the take-up reel of Rossini in order to automatically remove and store the spent carrier ribbon.

37. Regarding claim 30, Leclerc discloses a bookbinding system 10, comprising: a sheet binder 12/34 configured to bind two or more sheets 14 into a text body having an exposed spine 32 bounded by two exposed side hinge areas 66/70; an adhesive dispenser 50/82 configured to apply an adhesive 62/84 between a cover 20 and the side hinge areas of the text body; and a cover binder 16 configured to bind the cover to the side hinge areas of the text body by applying pressure to the cover (the cover binder 16 inherently applies pressure to the cover to attach it to the book block).

Leclerc does not disclose that the adhesive dispenser is configured to apply a solid pressure sensitive adhesive film, or wherein the adhesive dispenser dispenses the solid pressure sensitive adhesive from a roll of solid sheet adhesive that comprises a pressure sensitive adhesive composition dispersed on a carrier ribbon, and the adhesive dispenser applies the solid pressure sensitive adhesive film by releasing a film of the pressure sensitive adhesive composition from the carrier ribbon and reeling-in

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spent carrier ribbon. Ensign, Jr., et al. teaches the use of an adhesive dispenser 10 that applies a pressure sensitive adhesive made of one or more layers coated (i.e., a film) on a transfer substrate 170 wound around a core 168 in a plug-in cartridge 26 for the purpose of applying the adhesive layer to a selected substrate 186. Ensign, Jr., et al. also teaches that the system may be redesigned for industrial heavy use applications (see column 15, lines 59-61). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc with the pressure sensitive adhesive application system of Ensign, Jr., et al. in order to be able to replace the hot melt glue guns 50/82 with a pressure sensitive adhesive system that is easy to maintain. Furthermore, it would have been an obvious matter of design choice to load the adhesive dispenser with a transfer substrate having two laterally spaced apart adhesive films for the purpose of being able to use the bookbinding system to apply adhesive on both sides of the book block spine in order to replace the adhesives 62/84 of Leclerc.

Rossini teaches the use of an applicator system that applies an adhesive material 34 in the form of a tape that is adhered to a carrier ribbon 48, further comprising a take-up reel 46 for the purpose of reeling in the spent carrier ribbon. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the bookbinding system of Leclerc and Ensign, Jr., et al. with the take-up reel of Rossini in order to automatically remove and store the spent carrier ribbon.

Allowable Subject Matter

38. Claims 25 and 26 are allowed for the reasons as set forth in the office action mailed 14 April 2008.

Response to Arguments

39. Applicant's arguments filed 12 May 2009 have been fully considered but they are not persuasive.

40. Applicant argues that the teachings of Ensign cannot be used to make up for the deficiencies of Leclerc. However, it is noted that Ensign teaches in column 15, lines 59-61 that "the principles of the present invention are not limited by size and the apparatus of a large size for industry heavy use applications", implying that the invention of Ensign is capable of being used for large scale applications beyond the scope of the embodiment in the drawings. Ensign teaches in column 15, line 62 to column 16, line 11, that while a preferred embodiment of the invention teaches a substrate with a similar width as the mask instead of a substrate of greater width, "this feature is preferred and not necessary and should not be considered to limit the invention".

41. Applicant's argument that "Rossini does not teach that the take-up spool reels in the web material 34, which serves as the carrier ribbon on which the adhesive is disposed" is unclear, as this was not recited in the rejection. It is clear that Rossini teaches in column 8, lines 19-26 that "if the web material 34 is an adhesive tape such as having a pressure sensitive adhesive or other adhesive, it may be necessary to remove a protective layer 48 from the adhesive side of the tape" and "To do this, a take-

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up reel 46 is provided for winding thereon the waste strip of the protective release layer 48".

42. Applicant's remaining arguments with respect to the claims have been considered but are moot in view of the modified rejections under 35 U.S.C. 103(a) to Leclerc in view of Rossini set forth above.

43. For the reasons as set forth above, the rejections are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. GATES whose telephone number is (571)272-5498. The examiner can normally be reached on Mon-Thurs 8:45 - 6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric A. Gates/
Examiner, Art Unit 3726
6 August 2009